

## REMARKS

At the time of the Office Action, Claims 12-14 and 16-24 were pending. Claims 12-14 and 16-24 were rejected. Claims 12 and 22-23 have been amended and new claims 26-28 added. Claims 12-14, 16-24, and 26-28 are now pending. Applicants request favorable action in this case.

### Rejections under 35 U.S.C. §103(a)

The Examiner rejected claims 12-21 and 23-25 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,094,476 issued to Hunt *et al.* (hereinafter, "Hunt") in view of U.S. Patent No. 6,411,687 B1 issued to Bohacek *et al.* (hereinafter, "Bohacek").

The Examiner rejected claims 12-25 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,047,197 B1 issued to Bennett *et al.* (hereinafter, "Bennett") in view of Bohacek.

Applicants note that claim 25, indicated in the office action as being rejected, was previously canceled.

### Claims 12-14 and 15-21

Applicants have amended claim 12 to recite user interfaces characterized by a gender and rate of speech and to recite that the next-selected U/I may be selected based on a monitored responsive aspect wherein the genders and rates of speech of the user interfaces may influence the selection.

Applicants submit that claim 12 as amended is patentable over the cited references because the cited references do not teach all of the claim elements. A Section 103(a) rejection based on a rationale of combining elements from multiple prior art references is proper only if the references teach all of the claim elements. MPEP 2143 (A).

The cited references do not teach user interfaces characterized by gender and rate of speech. Nor do the references teach selecting a user interface based on a responsive aspect where the gender and rate of speech of the user interface influence the user interface selection.

The user interface selection disclosed in Hunt includes an initial speech-based U/I that is changed to a disambiguating U/I or a DTMF U/I under prescribed conditions. Nothing disclosed in Hunt teaches U/I genders and rates of speech or selecting a U/I in consideration of its gender or rate of speech. The user interface selection disclosed in Bennett refers to dynamically changing the “voice user interface from a passive posture of simply responding to the user’s requests to an active posture of notifying the user of information...” Bennett does not, however, disclose a plurality of user interfaces having corresponding genders and rates of speech. Nor does Bennett disclose a user interface’s gender and rate of speech as influencing the selecting of a user interface based a responsiveness of the user.

Because the cited references do not teach all of the elements of claim 12 as amended, Applicants request the Examiner to reconsider and withdraw the rejection of claim 12 and, by their dependency on claim 12, claims 13-14 and 16-21.

Claims 22-24

Remarks analogous to the remarks above are applicable to amended independent claims 22 and 23. Applicants request the Examiner to reconsider and withdraw the rejection of claims 22 and 23 and, by its dependency on claim 23, claim 24.

New claims 26-28

Newly presented claims 26 through 28 recited additional patentable elements of the computer readable medium of claim 12 including a U/I having multiple prompt subsets where a subset is associated with a type of caller (claim 26) including, for example, prompt subsets corresponding to novice and expert users (claim 27) and prompt subsets corresponding to callers needing sympathetic prompts versus callers needing abrupt prompts (claim 28). Because these claims depend on patentable claim 12 and because these claims recited patentable elements themselves, Applicants respectfully submit that claims 26-28 are patentable over the cited references.

### CONCLUSION

Applicants believe that this document contains a reply to every item set forth in the Office Action and that the pending claims recite allowable subject matter.

Applicants believe no fees are due at this time; however the Commissioner is hereby authorized to charge any fees necessary, or credit any overpayments, to Deposit Account No. 10-0096 of Jackson Walker L.L.P. in order to effectuate this filing.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.236.2019.

Respectfully submitted,  
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